

REMARKS

I. Overview

These remarks are set forth in response to the Non-Final Office Action mailed December 7, 2007. As this amendment has been timely filed within the three-month statutory period, neither an extension of time nor a fee is required. Presently, claims 1 through 30 are pending in the Patent Application. Claims 1, 11 and 21 are independent in nature. In the Non-Final Office Action, claim 9 has been objected to for improper dependency. Additionally, claims 1 through 9, 11 through 19 and 21 through 29 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,480,885 to Oliver (Olivier). Yet further claims 10, 20 and 30 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Olivier.

II. The Applicant's Invention

The Applicant has invented a method, apparatus and tool for translating user and course-related data in a learning management system (LMS) to a format consistent with the LMS target database. The invention provides flexible handling of data sources by extracting source data, such as user and course data in an e-learning model, and transforms the data into a form that is compatible with an LMS. The invention provides flexible data targets by transforming the data into a form that not only preserves all relevant information from the source for loading into the target LMS but also produces industry standard files including metadata that can be used to modify the course or produce a new course by using a course authoring tool. Course structure and progress data can be transferred to the new LMS by re-loading the content on the LMS and linking

that content with the previous course and progress data. The present invention also generates new unique identifiers, and utilizes the capabilities of the user migration to link progress data, instructor information, and progress with previous identifiers.

III. Amended Claims

Applicants have amended claim 9 to correct a typographical error and thus the dependency of claim 9. Additionally, Applicants have cancelled claims 11 through 30 from further consideration in this application. Applicants are not conceding that the subject matter encompassed by claims 11 through 30 is not patentable. Claims 1 through 30 were cancelled in this Amendment solely to facilitate expeditious prosecution of the remaining claims. Applicants respectfully reserve the right to pursue additional claims, including the subject matter encompassed by claims 11 through 30, as presented prior to this Amendment in one or more continuing applications.

IV. Rejections Under 35 U.S.C. § 103(a)

A. Characterization of the Cited Art

1. Olivier

Olivier relates to an Electronic Mail system and method for enabling subscribers to an electronic mailing list to exchange group electronic mail. Olivier claims to provide a method for users to exchange group electronic mail by establishing individual profiles and criteria for determining personalized subsets within a group. Users establish subscriptions to an electronic mailing list by specifying user profile data and acceptance criteria data to screen other users. When a user subscribes, a web server establishes and

stores an individualized recipient list including each matching subscriber. When the user then sends a message to the mailing list, an email server retrieves her 100% matches and then optionally filters her recipient list down to a message distribution list using each recipient's message criteria. Thus, according to Olivier, an improved procedure for sending electronic mail to a subset of the subscribers on a mailing list is provided. Significantly, Olivier lacks even a single mentioning of a collaborative computing community.

B. Traversal of the Rejections on the Art

Claim 1

The Applicant particularly relies upon the examination guidelines set forth in the MPEP, section 2131 in which it is stated that A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed Cir. 1987). For the following reasons, Olivier fails to disclose each and every element as set forth in independent claim 1, and its corresponding dependent claims.

Applicants' claims all refer explicitly to a “collaborative computing community”. *Nowhere in Olivier is a collaborative computing community disclosed.* Exemplary claim 1 recites as follows:

1. A method for managing member enrollment in a collaborative computing community, the method comprising:
identifying one or more end user persons for enrollment in the collaborative computing community;

implementing an enrollment model to determine whether to enroll the one or more identified end user persons as members in the community; and
updating community membership to enroll the one or more end user persons based on the implemented enrollment model.

In paragraph 5 of the Nonfinal Office Action, the Examiner expressly stated that the “identifying one or more end user persons for enrollment in the collaborative computing community” is disclosed in the Abstract of Olivier. A careful examination of the Abstract of Olivier fails to find any mention of a “identifying one or more end user persons for enrollment in the collaborative computing community”. Instead, the Abstract of Olivier is limited to describing a method for “enabling users to exchange group electronic mail by establishing individual profiles and criteria (see lines 1-3 of the Abstract of Olivier).

The Abstract of Olivier is a far cry from the “collaborative computing community” of the Applicants. In particular, the Applicants have defined the “collaborative computing community” as being “defined by (1) a particular context, i.e., the objective of the environment, (2) membership, i.e., the participants in the environment, (3) a set of roles for the members, and (4) resources and tools which can be accessed by the membership in furtherance of the objective of the environment” (See paragraph [0005] of Applicants’ application). Clearly, Olivier cannot teach each and every limitation recited in claim 1 as the term “collaborative computing community” is wholly absent from Olivier. Thus, it is impossible for Olivier to anticipate claim 1 under 35 U.S.C. § 102(b) and Applicants respectfully request withdrawal of the rejections of claims 1-9 and 11 under 35 U.S.C. § 102(b).

Claim 10

To properly establish a prima facie case of obviousness under M.P.E.P. 2143, all expressly provided claim limitations must be found in the cited portion of the references at hand. As, the Examiner will recognize that Olivier fails to teach a collaborative computing community as explicitly claimed by the Applicants, the Examiner has failed to establish a prima facie case of obviousness under M.P.E.P. 2143. Therefore, Applicants state that the rejection of Claim 10 under 35 U.S.C. § 103 for obviousness based on Olivier is not viable and, hence solicit withdrawal thereof.

V. Conclusion

The Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. §§ 102 and 103(a) owing to the foregoing remarks. The Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

Date: March 7, 2008

/Steven M. Greenberg/

Steven M. Greenberg, Reg. No.: 44,725
Attorney for Applicant(s)
Carey, Rodriguez, Greenberg & Paul, LLP
950 Peninsula Corporate Circle, Suite 3020
Boca Raton, Florida 33487
Customer No. 46321
Tel: (561) 922-3845
Fax: (561) 244-1062